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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,628	08/16/2001	Jack Martin		4806

7590 08/22/2003  
Jack Martin  
6132 Choctaw DR.  
Westminster, CA 92683

EXAMINER

RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 08/22/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Y.K

<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/931,628	MARTIN, JACK	
	<b>Examiner</b>	<b>Art Unit</b>	
	S. Thomas Hughes	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

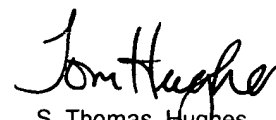
This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 30 July 2002.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☒ A proposed reply was received on 10/29/02, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  

The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See the attached response to Applicant's letter dated 2-14-03

  
 S. Thomas Hughes  
 SPE  
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Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

**Response to Applicant's letter dated 2-14-03**

1. This action is in response to Applicant's letter dated 2-14-03, which apparently was received by the PTO on 2-21-03 and was supplemental to the Request for Continued Examination filed by Applicant on 10/29/02. The letter dated 2-14-03 was also attached to correspondence for application 10/308,216. Applicant's questions in the above mentioned letter are answered below
2. The fact that you are now (or have been) receiving letters with application number 10/308,216 on them indicates that the PTO has another application on file. This is due to you filing another complete application. The PTO received that application on 12-3-02. That application has not been forwarded to the examining corps as it is still undergoing pre-examination processing. Any questions regarding that application can be directed to the Office of Initial Patent Examination (OIPE), whose customer service number is (703) 308-1202. The application number for the instant application has not been changed.
3. Do not worry about the foreign filing license. This is granted in all applications where the conditions for issuance of a license have been met. It does not mean that your application has been "accepted".

4. The "Notice to File Missing Parts" you are referring to in paragraph 3 corresponds to application 10/308,216, not to the instant application. Any questions regarding that application can be directed to the Office of Initial Patent Examination (OIPE), whose customer service number is (703) 308-1202. A \$370 fee has been posted for the instant application for the filing of an RCE on 10-29-2002. The fees due mentioned in the Notice to file missing parts appears to be related to your other application, 10/308,216.

5. The Request for Continued Examination (RCE) filed on 10/29/02 in the instant application was not accepted because it did not contain a submission as required by 37 CFR 1.114. It is noted that applicant checked the boxes on the RCE transmittal relating to a submission under 37 CFR 1.114 for previously submitted arguments in an appeal brief, yet no submission is of record in the application file.

6. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Hughes whose telephone number is 703-

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308-1806 and can normally be reached on Monday through Thursday from 7:00 am to 4:00 pm.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Petitions/Special Programs	(703) 305-9285
Terminal Disclaimers	(703) 305-8408
PCT Help Desk	(703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line  
Internet PTO-Home Page

1-800-786-9199  
<http://www.uspto.gov/>



S. Thomas Hughes  
Supervisory Patent Examiner,  
Art Unit 3726

STH  
August 21, 2003